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ORGANIZATION AND PROCEDURE OF THE PEACE CONFERENCE

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The difficulty of threading one's way through the intricacies of the organization of the Peace Conference is due chiefly to the fact that the conference is from one point of view a continuation of various interallied conferences and councils created for the prosecution of the war. In some cases the functions of these bodies have apparently been taken over by the conference, and in other cases the preëxisting councils and commissions have continued in operation as interallied agencies distinct from the organization of the conference. A brief review of the most important of these agencies will be of assistance, therefore, in making clear the origin and special functions of the conference.

The Supreme War Council was created by an agreement between Great Britain, France and Italy at a meeting held at Rapallo, Italy, in the first week of November, 1917. It was composed of the prime ministers and a member of the governments of each of the great powers fighting on the western front. Its purpose was to watch over the general conduct of the war and prepare recommendations for the decision of the governments. It was to be assisted by a permanent central military committee, consisting of Generals Foch, Wilson and Cadorna, but the decisions of these technical advisers were merely to be the basis of recommendations from the War Council to the several governments, leaving the general staffs and military commands of each power responsible to their individual governments. The United States subsequently adhered to the Rapallo agreement, and participated in the meeting of the council at Versailles on December 1, 1917. This Supreme War Council is variously referred to as the "Interallied Coun-

cil," the "Interallied Committee," and the "Supreme Allied Council." It was primarily a political body, and the prime ministers were accompanied by members of their governments in addition to the military advisers.

Distinct from the Supreme War Council, but connected with and guided by it, was the Interallied Conference which came into being after the arrival in Europe of a special mission from the United States. The object of this "war conference," as announced by the department of state, was the perfecting of "a more complete coördination of the activities of the various nations engaged in the conflict and a more comprehensive understanding of their respective needs" for the better prosecution of the war against Germany. The members of the American mission represented political, financial, trade, shipping and food interests. The first meeting of the conference was on November 29, 1917, at the Quai d'Orsay, and it included delegates from the United States, Great Britain, France, Italy, Japan, Russia, Belgium, Serbia, Rumania, and eight other of the smaller belligerents. The conference, working in coöperation with the Supreme War Council, created a number of subcouncils and commissions, among them being the interallied naval council, the allied maritime transport council, with its subordinate food and munition councils, the interallied council on war purchases and finance, and the allied blockade committee. On October 30, 1918, the Supreme War Council met to fix the terms of the armistices with Austria-Hungary, Turkey and Germany, and by admitting representatives from Japan, Belgium, Serbia and other belligerents soon developed into an interallied conference. The decisions reached during the following ten days were announced at one time in the name of the Supreme War Council and again in the name of "the allied governments."

A body known as the "Interallied Council," differing, it would appear, only in name and in the absence of military advisers from the Supreme War Council, met on January 12, 1919, after the return of President Wilson from Italy, to deal with the problem of adopting regulations for the coming Peace Conference. At its first session it consisted of representatives

of the United States, Great Britain, France, and Italy, but the following day representatives of Japan were present. This exclusive group of the larger powers issued daily official communications announcing decisions respecting the proposed organization of the conference, its procedure, and the publicity to be given to its proceedings. The decision regarding publicity was the result of a sharp attack by the representatives of the press in Paris upon the character of the *communiqués* already issued by the council. The council explained that, owing to the conflicting views of the powers upon many questions and the necessity of reaching conclusions by unanimous vote, the decisions reached were often in the nature of a compromise, and that premature discussion of the issues by the public at large would greatly hinder such agreement. In consequence it was found impossible to admit the representatives of the press into the meetings of the council and of the committees of the conference, but they would be admitted into the meetings of the full conference except upon occasions when it might be necessary to hold them in camera.

The Peace Conference held its first meeting on January 18, at the Quai d'Orsay. After an introductory address by the President of the French Republic, the French Premier, as temporary chairman, introduced President Wilson, who in turn moved that the honor of the position of permanent president should fall to the French Premier. An address of acceptance by M. Clemenceau followed, after which he officially summoned the delegates of the nations represented to present documents dealing with the special claims of their particular nation. The first session of the conference then adjourned.

The organization of the conference and the procedure to be followed by it are laid down in the "Conference Regulations" drawn up by the Interallied Council (Supreme Allied Council) and published in part in the daily *communiqués* of the council and in full on January 21. They are grouped under sixteen sections: sections I to III dealing with the membership of the conference and the representation to be accorded to the several members, sections IV to VIII dealing with the organization of

the conference, and sections x to xvi dealing with the procedure to be followed in the presentation and adoption of proposals.

The nations admitted to the conference are grouped by section i into three classes: "The belligerent powers with general interests," including the United States, the British Empire, France, Italy and Japan, which shall take part in all the meetings and be represented upon all the commissions; secondly, "the belligerent powers with particular (special) interests," including Belgium, Brazil, the British Dominions and India, China, Cuba, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Poland, Portugal, Rumania, Serbia, Siam, and the Czechoslovak Republic, which shall take part in the sittings at which questions concerning them are discussed; thirdly, "the powers in a state of diplomatic rupture with the enemy powers," including Bolivia, Ecuador, Peru, and Uruguay, which shall take part in the sittings at which questions concerning them are discussed. Provision is also made for the admission of neutral powers and of states in process of formation, when summoned by the powers with general interests at sittings devoted to questions concerning such states.

Section ii apportions the delegates among the powers classified in section i. Five delegates each are assigned to the powers with general interests; three each to Belgium, Brazil, and Serbia; two each to China, Greece, Hedjaz, Poland, Portugal, Rumania, Siam, and the Czechoslovak Republic; one each to Cuba, Guatemala, Haiti, Honduras, Liberia, Nicaragua, and Panama; and one each to Bolivia, Ecuador, Peru, and Uruguay. Belgium and Serbia were at first assigned but two delegates each, but the dissatisfaction expressed upon the announcement of this decision of the council on January 15 resulted in a decision at the meeting on January 17 to increase the delegates of the two countries to three each. Nine additional delegates are distributed among the British Dominions and India—two each to Australia, Canada, South Africa, and India, and one to New Zealand. Owing to the uncertainty of the political situation in Montenegro the designation of the delegate assigned to that state is for the time delayed. In like manner the rep-

resentation of Russia is delayed until matters concerning Russia are to be examined.

By a decision of the Interallied Council on January 15 it was agreed that each delegation should be a unit, so that the number of delegates forming it should have no influence upon its status at the conference; and it was also agreed that each nation might avail itself of the panel system, which would enable the state at discretion to intrust its interests to such persons as it might designate, and would in particular enable the British Empire to admit among its five delegates other representatives of the Dominions and of India than those provided for.

It will be observed that in respect to the membership of the conference and the apportionment of delegates among the members the Peace Conference of 1919 departs in a striking way from the precedents of former conferences and congresses. The congresses of Vienna in 1815, of Paris in 1856, of Berlin in 1878, and of Berlin in 1885 were gatherings of a limited group of the great powers with the admission of too few of the lesser powers (Portugal, Spain, and Sweden being present at Vienna, and Sardinia and Turkey at Paris) to make it necessary to draw formal distinctions between the members. Representatives of Greece, Rumania and Persia were permitted to present their views to the Congress of Berlin, but took no part in the deliberations of the congress. The two important international conferences held at the Hague in 1899 and 1907, while they were not, it is true, conferences of belligerents, likewise made no formal distinction between the members great and small, although, as will be seen, the great powers were able to make their influence felt through their dominant position upon the committees. The theory of the equality of the states was in the foreground at every stage of the public proceedings of the Hague conferences, but this was possible without involving serious difficulties because of the fact that no such pressing and vital interests were at stake as those now before the Paris conference.

In pursuance of the privileged position conferred upon them by section 1 the five "powers with general interests" created

the "Supreme Council," consisting of the two ranking members of each delegation and differing from the Supreme Allied Council, which created the conference, only in name and in the fact that it operates under the rules of the conference. This body is sometimes referred to as the "Council of Ten." According to press reports all the important decisions have been reached at its special meetings and the conference has merely been called upon to ratify the results reached. In consequence, considerable dissatisfaction has been expressed by the liberal and radical press of Great Britain and the United States, criticism being directed not against the principle of giving greater influence to the delegations of the great powers but against the entire exclusion of the lesser powers. Whether or not a representative conference based upon the principle of the apportionment of delegates according to contribution of each nation to the winning of the war would have given greater satisfaction or would have permitted an equal expedition of the business before the conference cannot be decided on abstract principles, and it may well be urged that the imperative character of the business to be settled and the wide variety in the character and claims of the minor belligerents precluded the experiment of creating an assembly based upon proportional representation.

At the meeting of the Supreme Council on January 20 the French Ambassador to Russia and the Danish Minister in Petrograd addressed the meeting and explained the situation in Russia as they had recently observed it. On January 23 the council issued an important statement that it recognized without reservation the revolution in Russia and would under no circumstances aid or give countenance to any attempt at a counter revolution. Accordingly it invited the various organized groups exercising political authority or military control in European Russia and Siberia to send representatives to the Princes' Islands in the Sea of Marmora to meet representatives of the associated powers, provided that in the meantime a truce of arms be agreed upon between the various parties, and that Russian troops operating against territories formerly part of

Russia upon which it was contemplated to confer autonomy be withdrawn.

On January 23 the council drew up a list of questions to be submitted to the conference at its next plenary session. On January 24 the Supreme Council met as the Supreme War Council to decide, with the assistance of military representatives, what should be the quota of troops to be assigned along the western border during the armistice. This question being referred to a committee, the War Council adjourned and the council met to draw up a communication warning the new nations whose boundary lines remained yet undetermined that any attempt on their part to enforce their claims against their neighbors by a resort to arms would only prejudice those claims in the eyes of the conference as casting a cloud upon the evidence of a just title.

A second plenary session of the conference was held on January 25 and was marked by the creation of the important committees for the detailed work of the conference. The first item on the agenda was a resolution calling for the creation of a league of nations. The resolution asserted that it was essential to the maintenance of the settlement which the conference had met to establish that a league of nations be created "to promote international obligations and to provide safeguards against war;" also that the league "should be created as an integral part of the general treaty of peace." At the same time a committee was appointed to work out the details of the constitution and functions of the league. After the formal introduction of this resolution the Chair recognized President Wilson who made an address outlining the principles of the league and urging its adoption. Premier Lloyd George seconded the resolution, and after further addresses in support of it from delegates of other countries the resolution was unanimously adopted. The conference then proceeded to adopt resolutions creating four other commissions dealing with responsibility for the war and for violations of the laws of war, with conditions of labor and the possible international regulation of them, with international control of ports, waterways, and railways, and with the amount and form of

reparation to be made by the enemy. These commissions, with the exception of that on reparation, were to be composed of two representatives apiece from the five great powers and five representatives to be elected by the other powers. The commission on reparation was to comprise three representatives apiece from each of the five great powers and two representatives apiece from Belgium, Greece, Poland, Rumania and Serbia.

The announcement of the method of appointing the commissions was the signal for an outburst of criticism from the nineteen smaller powers which were obliged to pool their interests in the hands of five representatives on four of the commissions. Other small powers resented their being omitted altogether from the commission on reparation. In spite of the attacks made upon it, however, the original method of appointing the commissions was retained; and on January 27, following a meeting of the powers with "special" ("particular") interests, their formal acquiescence in the plan was announced. Belgium was elected to sit upon each of the commissions, and Serbia upon all except the commission on labor conditions. At its special request China was elected to the commission on the League of Nations. A separate session of the council of the great powers held on the same day provided for two new commissions to deal with economic and financial questions and with questions relating to private and maritime laws.

Accompanying the criticism by the smaller powers of the composition of the commissions was an attack upon the exclusive control exercised by the Supreme Council, which up to that time had passed upon all questions before they were taken up in the plenary sessions. After January 25 the Supreme Council of the five great powers was replaced by the "bureau," consisting of M. Clemenceau as president of the conference, and Secretary Lansing and the prime ministers of Great Britain, Italy, and Japan, as vice-presidents; but the official composition of the bureau did not prevent its sittings from being attended by the same persons who formerly composed the Supreme Council. To meet the criticism directed against its exclusive composition it was agreed by the great powers that the smaller powers were to

have full access to the records of the bureau and were to be present in the room when the bureau should meet to discuss their special interests. In this way the smaller states would be informed of the issues raised before conclusions were reached and before the decisions of the bureau were submitted to the plenary sessions.

On March 27 the press announced the creation of an informal council of the leading delegates of the United States, Great Britain, France, and Italy, subsequently known as the Council of Four (the "Big Four"), the purpose of which was to expedite still further the business of the Conference. It was explained that the Council of Ten, with its secretariat, expert advisers and other attaches, numbering in all about forty members, had become too cumbersome and that the discussions of the members bore too much of the character of set speeches prepared for the records. The Council of Four has met alone and unattended, although they summon experts when the need requires. The deliberations are secret. The Council of Ten still continued, however, to register the decisions of the Council of Four.

By contrast with the composition of the council and of the commissions as above outlined it may be of interest to note in passing the procedure followed at the Congress of Berlin in 1878 and at the second Hague Peace Conference of 1907. The Congress of Berlin, being limited to a small group of six great powers and Turkey, did not find it necessary to apportion its work among committees, but followed the rule of reserving for the plenary sessions of the congress the discussion of "questions of principle," while secondary questions were for the most part left to private interviews between the states particularly interested. As a matter of fact, however, the important questions were discussed and solved beforehand in preliminary conferences or confidential *pourparlers*, and when presented to the congress were accepted without question by the minor plenipotentiaries, though this amounted merely to the neglect of the particular delegates, not their states. One important boundary committee was created, charged with formulating the difficult boundaries of the Balkan states, and this was in turn assisted by military commissions in

whose hands the more technical questions of strategic boundaries rested.

A striking feature of the Congress of Berlin was that three of the members, France, Italy and Germany, were less directly interested in the problems before the congress than were Austria, Great Britain and Russia, so that it was possible for the former to play the part of "neutral" powers whose "impartial voice" might be raised when questions of secondary importance appeared to be threatening "the pacific object of the congress." Turkey, a vitally interested member, was allowed to look on while its affairs were for the most part settled for it by others. At three different sessions representatives of Greece, Rumania and Persia were allowed to appear and present the views of their governments; but they were obliged to retire without taking part in the deliberations. Serbia and Montenegro, whose independence was at stake, were not even shown that privilege.

At the second Hague Peace Conference of 1907 an entirely different procedure was followed. The questions before the conference covered a wide variety of subjects, but none of them were of such vital importance to the individual members as are most of the questions before the present conference at Paris. In consequence not only did the conference of 1907 not divide up into powers with general interests and powers with special interests, but it was able to preserve formally the utmost freedom in the composition of its committees. The *Reglement* governing the organization and procedure of the conference provided (Article II) that the delegates of the powers were "free to register on the lists" of the commissions according to their own convenience and might appoint technical delegates to take part in them. The conference reserved the right to appoint the president and vice-presidents of each commission, but each commission was at liberty to divide itself into subcommissions, which might organize their own officers or "bureau."

This freedom possessed by the delegates to register their names upon the commissions did not imply, however, a direct control over the commissions, owing to the fact that the chairman of the conference, M. Nelidow, understood by the provision

that "the conference shall appoint the president and vice-presidents of each commission," not that the conference as a body should elect those officers, but that the president of the conference should designate the appointees and the conference give its approval without nominations from the floor. In turn the presidents or chairmen of the four commissions controlled the subdivisions of the commissions which undertook the study of separate questions; and thus, while the smaller states could be members of all the commissions and of the subcommissions, they could be denied control over the proceedings and could be left off the committees of examination where much of the detailed work was done. It was in this way that the conference succeeded in reconciling the principle of the legal equality of the states as a body with the actual preponderant control of the leading powers.

The committee system of the conference of 1907 proved, however, to be the chief cause of its inability to reach results on certain important proposals. A rule was adopted that no convention should be recommended for adoption by the conference unless there was unanimity in the commission in favor of it. When it is recalled that the commissions and subcommissions averaged, about ninety members, although the delegations of the states voted as a unit, it will be realized how easy it was for some of the smaller states to block a given proposal. In the case of the proposal for compulsory arbitration of a limited class of disputes, the opposition of seven states under the leadership of Germany and Austria-Hungary prevented the commission from presenting a favorable report to the conference, in spite of the fact that the delegations of thirty-two states were in favor of it. The proposal for a judicial arbitration court was defeated by the opposition of the smaller states, which repudiated any scheme for the composition of the court not based upon the equality of sovereign states. A rule of "quasi-unanimity" was, it is true, followed in some instances, but it consisted in the abstention from voting of the power or powers opposed to the resolution when presented for the unanimous vote of the commission or of the plenary session, and was therefore quite distinct from direct majority control.

Sections x to xvi of the regulations of the present conference deal with the procedure to be followed in the formulation, presentation and adoption of proposals. Documents intended for inclusion in the protocols must be presented in writing by one of the plenipotentiaries or by someone acting in his name; but proposals not connected with the question on the agenda may not be introduced without notice given twenty-four hours in advance. Petitions and documents coming from other sources will be received and classified by the secretariat and deposited among the archives of the conference. Such of these communications as are merely political will be briefly summarized and distributed among the plenipotentiaries. All questions presented for decision will be read a first and second time, the first reading opening up the general subject for a discussion of the principles involved, the second reading offering opportunity for an examination of details. Preliminary agreements in the form of protocols are to be drawn up by the secretariat and printed and distributed in proof to the delegates. For the sake of expediting the work of the conference the distribution of these protocols in advance of the meeting is to take the place of the formal reading of the protocols, and if no alteration is proposed the text shall be considered as approved. A drafting committee, composed of representatives of the five great powers outside the circle of their delegates, is created to draw up the text of the decisions adopted and to present them to the conference.

Section vii provides for a secretariat (to be appointed after the method of the drafting committee), which will be intrusted with the duty of drafting the protocols of the meetings, of classifying the archives, and of providing for the general administration and organization of the conference. The archives in charge of the secretariat are to be open at all times to members of the conference. Section viii provides that the publicity of the proceedings of the conference is to be secured by the publication of official *communiqués* prepared by the secretariat, and that in case of disagreement as to the drafting of these *communiqués* the matter shall be referred to the delegates of the leading powers. It may be inferred from section vi which

creates a permanent president of the conference and four vice-presidents, to be chosen from the plenipotentiaries of the great powers, that the secretariat will remain not under the control of the conference (even if its composition would permit such control), but under the direct control of the Supreme Council.

No provision is made in the regulations with regard to the method of voting in the plenary sessions of the conference, but it may be inferred from the general character of the conference that a unanimous decision must be reached on all questions. The results reached by the conference will be embodied in the form of a treaty which can be binding only upon those nations which have given their individual consent to it. But the legal right of the smaller states to reject the decisions reached by the Supreme Council of the five great powers will obviously have to be subordinated to the practical exigencies of the situation, which will require concerted action by the entire group.

At the second Hague Peace Conference it was possible for states which dissented from certain details of the conclusions reached by the great body not to interpose a veto, which the strict theory of legal sovereignty might have justified, but to sign the convention subject to reservations setting forth the particular article or clause from which they withheld their assent. Thus, in the case of the convention for the pacific settlement of international disputes the United States signed under reservation of a declaration to the effect that nothing contained in the convention should be so construed as to require the United States to depart from its traditional policy of not interfering in the political affairs of foreign states, or as to imply a relinquishment by the United States of its traditional attitude towards purely American questions. But the Hague conventions were after all but legislative enactments superseding the customary rules of international law, so that the failure of a particular state to sign a given convention, or its signature of the convention under reservations, had merely the effect of leaving the state subject to the existing law.

The conference at Paris is dealing with two distinct sets of questions: those relating to the settlement of problems imme-

diately connected with the war, and those relating to the reconstruction of international relations. The committees on responsibility for the war and on reparation, as well as the Supreme War Council which continues to sit from time to time, have in hand the first set of questions, and in respect to these it is clearly imperative that a unanimous decision be reached. On the other hand the committees on a league of nations, on international labor legislation, and on the regulation of ports, waterways and railways, as well as those on economic and financial questions and on private and maritime laws, are engaged in the formulation of substantive rules which approximate to the subject matter of the Hague Conventions. To what extent the decisions reached by these committees will be linked up with the actual treaty of peace it is impossible at this moment to determine; but it would appear that at least the convention providing for a league of nations will be an integral part of the peace treaty and essential to the justice and validity of its terms. To a lesser extent it would also appear that even minor issues such as the regulation of ports, waterways and railways, will figure as a condition in the assignment to a particular state of territory which under the present condition of things might have been assigned for strategic reasons to a different state.